

Appl. No. 10/605,784
Amdt. Dated Mar. 8, 2006
Response to Office Action Dated Sept. 27, 2005

Amendments to the Drawings:

Please replace Figure 1 with the attached clean version (labeled "replacement sheet"); an annotated version is also attached. The legend has been amended to delete the reference to "1 mole" and to add a degree sign. The border has been deleted.

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Remarks/Arguments:

Claims 1-23 were pending. Applicants confirm the election of group I (claims 1-20) without traverse and withdraw claims 21-23.

Claim 1 was objected to for having an extra claim number. Claims 1-20 were rejected under 35 USC 112, first paragraph, for not claiming a pressuring step. Claim 3 was rejected under 35 USC 112, second paragraph, for specifying "solid acid-reactive material" instead of the correct "solid acid-precursor". Claims 6-9 were rejected under 35 USC 112, second paragraph, for again specifying "solid acid-reactive material" instead of the correct "solid acid-precursor". Applicants have corrected these errors by amending claims 1, 3, 6, and 7 and thank the Examiner for assuming the corrections and examining the claims on the merits. A new claim, 24, which is supported by claims 1 and 3 (with the error corrected) as originally filed, has been added.

Claims 1-2 and 14-18 were rejected under 35 USC 102(b) as being anticipated by Cantu, *et al.* (4,848,467). The limitation of claim 19 (now cancelled) has been added to claim 1.

Claims 1-2, 4, and 6-11 were rejected under 35 USC 102(b) as being anticipated by Cantu, *et al.* (4,986,354). The limitation of claim 19 (now cancelled) has been added to claim 1.

Claims 1-2, 10, and 14-18 were rejected under 35 USC 102(b) as being anticipated by Casad, *et al.* (4,986,355). The limitation of claim 19 (now cancelled) has been added to claim 1.

Claims 1-2, 10-12, 14-16, and 19-20 were rejected under 35 USC 102(e) as being anticipated by Volmer, (6,432,885). Volmer uses a viscoelastic surfactant to viscosify the fluid; the limitation that the fluid is not viscosified by a viscoelastic surfactant has

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been added to claim 1. That viscoelastic surfactants could be used is taught in the specification in paragraph [0028], lines 9-13.

Claims 1-2, and 4-6 were rejected under 35 USC 103(a) as being unpatentable over Johnson *et al.* (5,325,921) in view of Cantu *et al.* (4,957,165). Applicants respectfully disagree. Johnson teaches a method of hydraulic fracturing in which a solid acid-reactive material in the pad is used to form a filter cake to prevent fluid loss, proppant is then placed, and then the filter cake is removed by physical means (flowback) after the treatment. Cantu teaches a fluid loss control agent formed from a condensation product of hydroxyacetic acid, that the condensation product can degrade to form acid, and that such fluid loss control agent could be combined with other fluid loss control agents such as calcium carbonate. Cantu's context is completion and workover, not stimulation. The present invention is a method of acid fracturing and there is no mention of fluid loss control. There is no motivation in Cantu and/or Johnson to use the completion or workover fluid loss control agent of Cantu instead of that of Johnson in acid fracturing instead of hydraulic fracturing.

Claims 1-6 were rejected under 35 USC 103(a) as being unpatentable over Johnson *et al.* (5,325,921) in view of Cantu *et al.* (4,957,165) and further in view of Lee (6,817,414). Applicants believe that this rejection should be withdrawn in light of the discussion of Johnson and Cantu above.

Claims 1 and 17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19, 23, and 32 of copending Application No. 10/941,355. Should conflicting claims be found allowable, an appropriate Terminal Disclaimer will be filed.

Claims 1-2, 10, 14-15 and 17 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims

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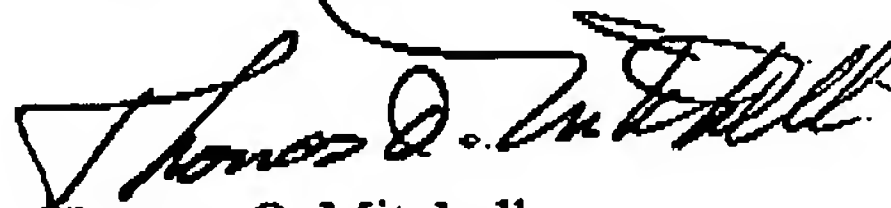
1-3, 6, and 15 of copending Application No. 10/941,384. Should conflicting claims be found allowable, an appropriate Terminal Disclaimer will be filed.

A Response to the Office Action of September 25, 2005, was faxed to the Office on January 13, 2006. An amendment to that response was faxed to the Office on January 24, 2006. A Notice of Non-Compliant Amendment was received regarding the January 13, 2006, amendment. PAIRS shows that the January 24, 2006, amendment was regarded as Informal or Non-Responsive. The present amendment is made on the basis that the amendments of January 13, 2006, and January 24, 2006, were not entered.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

A fee for a petition for an extension of time of one month accompanied the Response of January 13, 2006. The Commissioner is authorized to charge any additional required fee, or credit any excess fee paid, to Deposit Account 04-1579 (56.0708).

Respectfully submitted,



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PATENT
Attorney Docket No.: 56.0708
Inventors: Still, et al.

(Marked-Up Copy)

detected

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Dissolution of 1 mole Calcite at 82 C

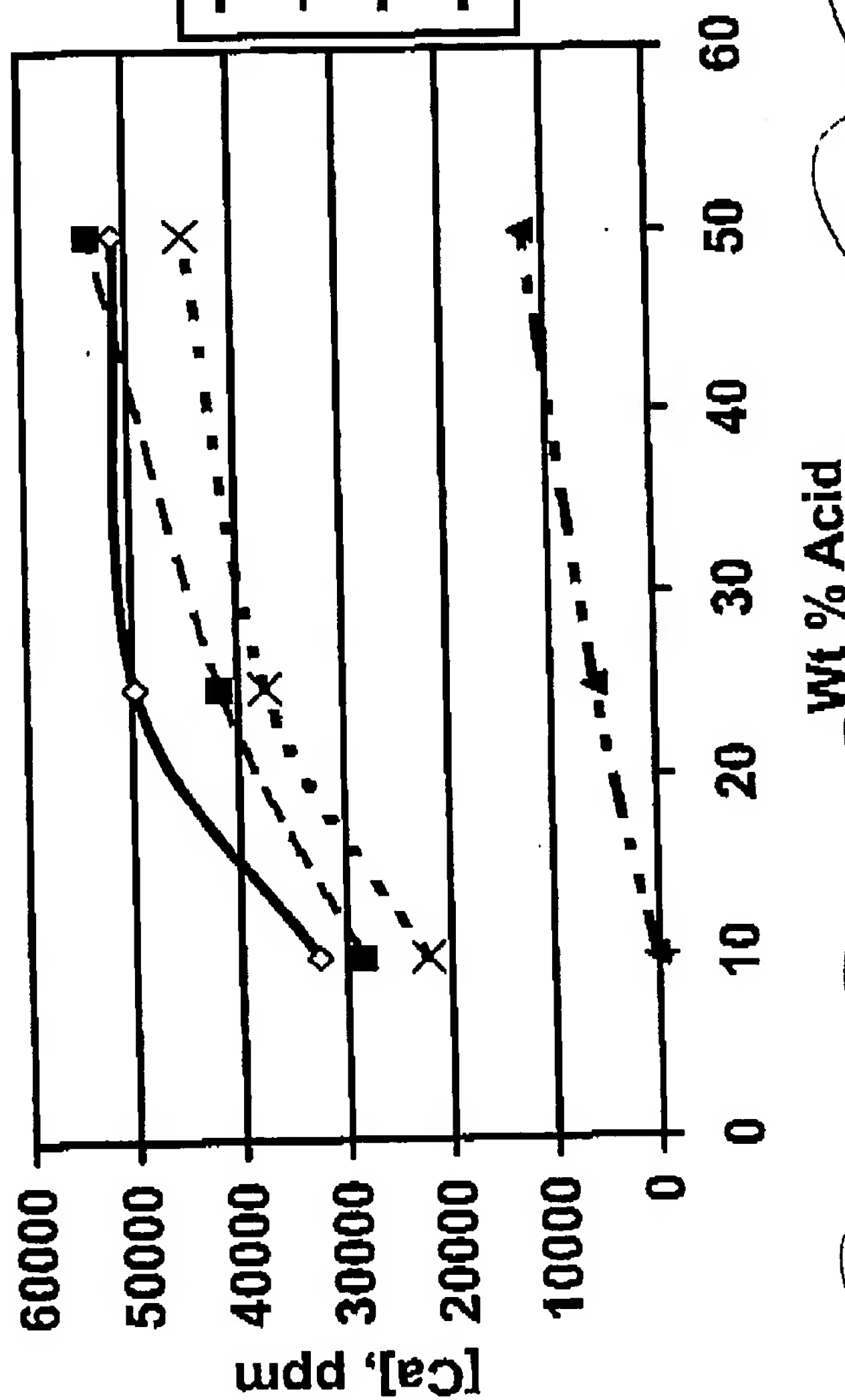


FIG. 1

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